

Application No. 10/657472
Page 8

Amendment
Attorney Docket No. S63.2H-11273-US01

Remarks

This Amendment is in response to the Office Action dated January 7, 2005. In the Office Action, claims 2, 3, 6-11, 13, and 14 were found to contain allowable subject matter. Claims 1-14 and 19-25 were rejected under 35 USC § 112. Claims 1, 4, and 5 were rejected under 35 USC § 102(b). Claims 1, 4, 5, and 12 were rejected under 35 USC § 102(b). Claims 19-25 were rejected under 35 U.S.C. § 103(a).

Applicants have amended claims 1, 2, and 13, without prejudice or disclaimer, to secure the prompt issuance of the allowed and allowable subject matter. No new matter has been added.

Claims 15-18 and 26-35, which were previously withdrawn, have been canceled without prejudice or disclaimer. Applicants reserve the right to prosecute the subject matter of these claims in an application claiming priority from the instant application.

The paragraph below correspond to those of the Office Action.

Claim Rejections – 35 USC § 112

Claims 1-14 and 19-25 were rejected under 35 USC § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action stated that it was unclear what is meant by thereabout in claim 1. Claim 1 has been amended to recite “the rotatable sheath being disposed about at least a portion of the catheter shaft and rotatable about the at least a portion of the catheter shaft”. Withdrawal of the rejection is respectfully requested.

Claim Rejections - 35 USC § 102

Claims 1, 4 and 5 were rejected under 35 USC § 102(b) as being anticipated by Adams et al. (U.S. Pat. No. 6,099,497).

To sustain a 102(b) rejection all the limitations of the claim must be present in the cited reference. The Office Action does not meet this requirement. The Office Action asserts that the Adams reference includes a rotatable sheath (156). In fact, the identified element 156 is not a rotatable sheath at all; rather it is a stent. Adams does not teach or suggest a rotatable sheath nor does Adams teach or suggest that the stent 156 is rotatable about the catheter shaft. In

Application No. 10/657472
Page 9

Amendment
Attorney Docket No. S63.2H-11273-US01

fact, the stent is preferably crimped down (ln 29, col. 11), thereby preventing rotation. For at least these reasons, independent claim 1 and claims 4 and 5 dependent thereof overcome the 102(b) rejection in light of Adams. Withdrawal of the rejection is respectfully requested.

Claims 1, 4, 5, and 12 were rejected under 35 USC § 102(b) as being anticipated by Stone et al. (U.S. Pat. No. 5,843,027).

The Office Action fails to point out with specificity the basis for the rejection in light of Stone. The Office Action merely states that Stone discloses a catheter assembly (figs. 1-5). The Office Action does not identify a rotatable sheath present in Stone. Applicants request that the Examiner clarify with specificity the elements of Stone which anticipate claim 1 in a subsequent non-final office action.

Nevertheless, Applicants assert that Figs. 1-5 do not show a rotatable sheath and that Stone neither teaches nor suggests a rotatable sheath. Rather, Stone describes a catheter in which the components remain in the same annular position with one another. Figs. 1-5 illustrate that the push wire 50 or 60 is bonded to either the outer sleeve or the inner sleeve or both, in fact the sleeves may be bonded together (ln.1-8; col. 7). The only instance in which rotation is taught is when the entire catheter is rotated within the lumen. Thus, there is no teaching of a rotatable sheath being disposed and rotatable about at least a portion of the catheter shaft.

For at least the above reasons, independent claim 1 and dependent claims 4, 5, and 12 dependent thereof overcome the 102(b) rejection in light of Stone. Withdrawal of the rejection is respectfully requested.

Claim Rejections - 35 USC § 103

Claims 19-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Adams. Claims 19-25 are allowable for at least the reason that they are dependent upon independent claim 1 which is believed to be in condition for allowance. Withdrawal of the rejection is respectfully requested.

Allowable Subject Matter

Claims 2, 3, 6-11, 13, and 14 have been found to contain allowable subject matter but are objected to as being dependent upon a rejected base claim. Applicants have amended

Application No. 10/657472
Page 10

Amendment
Attorney Docket No. S63.2H-11273-US01

claims 2 and 13 to include the subject matter of the base claims and are believed to be in condition for allowance along with claims 3, 6-11, and 14 dependent thereon.

Application No. 10/657472
Page 11

Amendment
Attorney Docket No. S63.2H-11273-US01

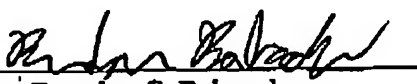
Conclusion

In light of the above comments, claims 1-14 and 19-25 are believed to be in condition for allowance. Notification to that effect is respectfully requested.

Respectfully submitted,

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